

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRY J. WILLIBY,

Plaintiff, No. 2:04-cv-2560 JAM JFM (PC)

vs.

JEANNE S. WOODFORD, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 22, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed August 22, 2008, are adopted in full;
- 3 2. Plaintiff's January 7, 2008 motion for summary judgment is denied;
- 4 3. Defendants' January 8, 2008 motion for summary judgment is granted;
- 5 4. Summary judgment is entered for defendants on plaintiff's Eighth
- 6 Amendment claim; and
- 7 5. Plaintiff's state law claims are dismissed.

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9 DATED: 9/30/2008

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11 /s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE

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